

REMARKS

The Amendments

Claim 1 is amended to add to the proviso for the reasons discussed below. Claim 6 is amended to correct a minor informality. Support for new claims 11 and 12 is found in the disclosure at page 41, lines 19-21, for example. Support for claims 13-16 is found in the original claimed and disclosed scope and as pointed out above, where the excluded embodiments are specifically recited as optional variable selections. Claims 17-20 are supported by the original claims and disclosure.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

Information Disclosure Statement

The Information Disclosure Statement (IDS) filed herewith is filed responsive to the indication in previous Office Actions that two of the documents cited in the IDS filed Jan. 9, 2004, were not considered because copies of the references were not provided. The current IDS cites a US patent publication which INPADOC indicates as corresponding to WO 2004/028524. It also provides and cites an English language abstract of WO 2004/096806 and the cover page thereof. The full document is in Japanese and 335 pages long. An English language translation or equivalent thereof is not available.

The Provisional Priority Document

The Office action draws the applicants' attention to US Pub. No. 2004/0116328 and, for the basis of determining whether the provisional priority document for this application, questions whether the priority document supports the definition of the variables of the instant claims. Applicants have reviewed the priority document carefully and believe that its disclosure at pages 1-19 describes the compounds of formula I in the identical language as in the original claim 1 of the instant application. The instant claims differ by the amendments previously made to address

35 U.S.C. §112 issues and by the above amendment but the nature and scope of the instant claims is believed to be fully supported by the U.S. provisional priority document.

The Rejection under 35 U.S.C. §103

The rejection of claims 1, 6 and 7 under 35 U.S.C. §103, as being obvious over U.S. Patent No. 5,041,448 (“Janssens”), is respectfully traversed.

It is pointed out that the compounds of formula (I) of Janssens do not include purinones since the A¹-A⁴ groups of Janssens do not include a carbonyl group. It would appear, however, that the rejection is made on the basis that the instant claims include tautomers of the purinones of applicants’ formula (I) and that purinols are tautomers of purinones.

In view of this apparent position, applicants have amended claim 1 to exclude two additional purinone compounds, and thus the tautomers thereof. The two additionally excluded purinones are those with an amino group bridging the pyridinyl group. These are the purinones which correspond to the purinols disclosed as compound 41 in Example 22 and compound 139 of Example 36 of Janssens. To the extent the claims encompass the purinols, these purinols are now excluded.

The Office Action also points to compounds 65 and 101 of Janssens. Applicants respectfully submit that these compounds are structurally dissimilar from the claimed compounds in several respects. Neither of these compounds of Janssens are purinols, i.e., there is no –OH substitution in the A¹-A⁴ groups. Thus, there is no basis to assert that they are tautomers of applicants’ purinones. Further, the additional N-substitution on the piperidinyl group for these compounds is not encompassed or similar to the substitution allowed for applicants’ compound when R⁴ has a piperidin-4-ylmethyl or piperidin-4-ylamino group. See the L group for compound 65 and the benzimidazolone group for compound 101. Compare these to the permissible substitutions – i.e. one or two C₁₋₃-alkyl groups – on the piperidin-4-yl ring for applicants’ compounds when: R⁴ is an amino group substituted by R²⁰, where R²⁰ denotes piperidin-4-yl; or R⁴ is a piperidin-4-yl-C₁-alkyl group.

In view of the above remarks and claim exclusions, applicants submit that the claimed invention is not suggested by Janssens. The few compounds of Janssens where a tautomer

relationship to the claimed compounds is in question, are excluded by the provisos in claim 1. The other compounds of Janssens are not in a possible tautomer relationship to the claimed compounds and/or have structurally very distinct substitution options. Janssens primarily directs one of ordinary skill in the art to compounds not having a hydroxy substituent in the A¹-A⁴ groups and having larger, more complex substituents for the “L” group of Janssens’ formula (I). Thus, there is no direction to one of ordinary skill in the art to select a compound which is in a possible tautomer relationship to the claimed compounds.

For the above reasons, it is respectfully submitted that Janssens fails to disclose or suggest the claimed invention to one of ordinary skill in the art. Thus, the rejection under 35 U.S.C. §103 should be withdrawn.

Applicants also point to new claim 13 and the claims dependent thereon. These claims exclude optionally substituted piperidin-4-ylmethyl or piperidin-4-ylamino groups for R⁴. Janssens’ formula (I) specifically requires a piperidin-4-yl group attached through the B group. These claims exclude such groups and thus provide an even further distinction from Janssens’ disclosure.

For the method of use claims, an additional basis for distinction from Janssens is provided since Janssens does not disclose or suggest the same use for its compounds. It would appear that this was recognized since the method of use claims were not subject to this rejection.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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